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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,091	01/16/2004	Thomas L. Cantor	532212000624	2110
25225 7590 12/02/2009 MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040			EXAMINER CHEU, CHANGHWA J	
			ART UNIT 1641	PAPER NUMBER
			MAIL DATE 12/02/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MORRISON & FOERSTER LLP
 12531 HIGH BLUFF DRIVE
 SUITE 100
 SAN DIEGO CA 92130-2040

DEC 02 2009

In re Application of: :
 Cantor et al. :
 Serial No.: 10/760,091 : PETITION DECISION
 Filed: January 16, 2004 :
 Attorney Docket No.: 532212000624 :


This is in response to the petition under 37 CFR § 1.59(b), filed November 19, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that Supplemental Information Disclosure Statement submitted to the Patent Office on November 19, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte* Quayle action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.


 Marianne C. Seidel
 Quality Assurance Specialist
 Technology Center 1600